



PTO/SB/21 (04-07)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 214

Application Number	10/785,230
Filing Date	February 25, 2004
First Named Inventor	Tadamitsu Kishimoto
Art Unit	1642
Examiner Name	Laura B. Goddard
Attorney Docket Number	046124-5042-01

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard; Copies of 19 references
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Morgan Lewis & Bockius LLP		
Signature			
Printed name	Robert Smyth, Ph.D.		
Date	July 12, 2007	Reg. No.	50,801

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

**Complete if Known**

Application Number	10/785,230
Filing Date	February 25, 2004
First Named Inventor	Tadamitsu Kishimoto
Examiner Name	Laura B. Goddard
Art Unit	1642
Attorney Docket No.	046124-5042-01

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 50-0310 Deposit Account Name: Morgan, Lewis & Bockius

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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\_\_\_\_\_ - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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\_\_\_\_\_ - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims**

Fee (\$)	Fee Paid (\$)
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**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Fee under 37 C.F.R. 1.17(p)

**Fees Paid (\$)**

180.00

**SUBMITTED BY**

Signature	<i>Robert Smyth</i>	Registration No. (Attorney/Agent) 50,801	Telephone 202-739-3000
Name (Print/Type)	Robert Smyth, Ph.D.		Date July 12, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT  
Attorney Docket 046124-5042-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: <b>Tadamitsu Kishimoto <i>et al.</i></b>	)	
	)	Group Art Unit: <b>1642</b>
Application No. <b>10/785,230</b>	)	
	)	Examiner: <b>Laura B. Goddard</b>
Filed: <b>February 25, 2004</b>	)	
	)	Confirmation No.: <b>1453</b>
For: <b>Vascularization Inhibitors</b>	)	

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(c)**

Pursuant to 37 C.F.R. 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the document listed on the attached PTO-1449. This Information Disclosure Statement is being filed to the best of the undersigned's knowledge before the mailing date of a Notice of Allowance for the above-referenced application. Under the provisions of 37 C.F.R. 1.97(c), the Commissioner is hereby authorized in the attached fee transmittal to charge the fee of \$180.00 as specified by 37 C.F.R. 1.17(p).

Each reference cited in this information disclosure statement was first cited in a notice of opposition in the corresponding European Patent application EP 99909307.3 dated May 2, 2007. A copy of a notice of opposition filed by (1) Eli Lilly and Company and (2) Strawman Limited in the corresponding European Patent application has been submitted as part of this information disclosure statement.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in the application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or

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credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a  
**Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **July 12, 2007**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted  
**Morgan, Lewis & Bockius LLP**



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Robert Smyth  
Registration No. 50,801

**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

PTO Form 1449

Attorney Docket 046124-5042-01

Application No. 10/785,320

Applicants: Tadimitsu Kishimoto *et al.*

Page 1 of 1

Filing Date: February 25, 2004

Group Art Unit: 1642

**U.S. PATENT DOCUMENTS**

		Document No.	Date	Name	Class	Sub-Class	Filing Date
	1.	5,378,725	01/03/1995	Bonjouklian <i>et al.</i>	514	453	06/19/1993
	2.	5,525,625	06/11/1996	Bridges <i>et al.</i>	514	456	01/24/1995

**FOREIGN PATENT DOCUMENTS**

		Document No.	Date	Country	Class	Sub-Class	Translation
	3.	EP 0897980	02/24/1999	EP	C12N	15/12	N/A
	4.	WO 96/24598	08/15/1996	PCT	C07F	9/38	N/A

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

	5.	Communication of Notice of Opposition for EP 99909307.3 filed by Eli Lilly and Company dated May 2, 2007.
	6.	Communication of Notice of Opposition for EP 99909307.3 filed by Strawman Limited dated May 2, 2007.
	7.	Bleul <i>et al.</i> (1997), The HIV coreceptors CXCR4 and CCRG are differentially expressed and regulated on human T lymphocytes, <i>Proc. Natl. Acad. Sci. USA</i> 94: 1925-1930.
	8.	Donzella <i>et al.</i> (1998), AMD3100, a small molecule inhibitor of HIV-1 entry via the CXCR4 co-receptor, <i>Nature Medicine</i> 4: 72-77.
	9.	Doranz <i>et al.</i> (1997), A Small-molecule Inhibitor Directed against a Chemokine Receptor CXCR4 Prevents its Use as an HIV-1 Coreceptor, <i>J. Exp. Med.</i> 8: 1395-1400.
	10.	Eliceiri <i>et al.</i> (1998) Integrin $\alpha\beta 3$ Requirement for Sustained Mitogen-activated Protein Kinase Activity during Angiogenesis, <i>J. Cell. Biol.</i> 140: 1255-1263.
	11.	Felszeghy <i>et al.</i> (2004) Dexamethasone Downregulates Chemokine Receptor CXCR4 and Exerts Neuroprotection against Hypoxia/Ischemia-Induced Brain Injury in Neonatal Rats, <i>Neuroimmunomodulation</i> 11: 404-413.
	12.	Gupta <i>et al.</i> (1998), Chemokine Receptors in Human Endothelial Cells, <i>J. Biol. Chem.</i> 273: 4282-4287.
	13.	Hanahan <i>et al.</i> (1998), Patterns and Emerging Mechanisms of the Angiogenic Switch during Tumorigenesis, <i>Cell</i> 86: 352-364.
	14.	Jackson <i>et al.</i> (1998) Pharmacological Effects of SB 220025, a Selective Inhibitor of P38 Mitogen-Activated Protein Kinase, in Angiogenesis and Chronic Inflammatory Disease Models, <i>J. Pharmacol. Exp. Therapeut.</i> 284: 687-692.
	15.	Murakami <i>et al.</i> (1997) A Small Molecule CXCR4 Inhibitor that Blocks T Cell Line-tropic HIV-1 Infection, <i>J. Exp. Med.</i> 186: 1389-1393.
	16.	Oikawa <i>et al.</i> (1996) Potent inhibition of angiogenesis by wortmannin, a fungal metabolite, <i>European Journal of Pharmacology</i> 318: 93-96.
	17.	Rafii <i>et al.</i> (1998) Regulation of Trafficking of Bone-Marrow Derived CD34+KDR+ Endothelial Progenitor Cells, Angiogenesis and Cancer, <i>Proceedings AACR Special Conference in Cancer Research.</i>
	18.	Schols <i>et al.</i> (1997), Inhibition of T-tropic HIV Strains by Selective Antagonization of the Chemokine Receptor CXCR4, <i>J. Exp. Med.</i> 186: 1383-1388.
	19.	Stedmans Medical Dictionary, 26th Ed. (1995), 85, 1182, 1909.
	20.	Strieter <i>et al.</i> (1995) Role of C-X-C chemokines as regulators of angiogenesis in lung cancer, <i>J. Leukocyte Biol.</i> 57: 752-761.
	21.	Whalen (1990), Solid tumours and wounds: transformed cells misunderstood as injured tissue?, <i>The Lancet</i> 336: 1489-1492.

Examiner

Date Considered

**Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.